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29 ORACLE USA, INC., et al.,
30 Plaintiffs,
31 v.
32 RIMINI STREET, INC., et al.,
33 Defendants.

34 CASE NO. 2:10-cv-00106-LRH-VCF

35 **RIMINI STREET, INC.'S MOTION
36 TO SEAL CONTENTS OF A DVD
37 AND USB DRIVE FILED
38 MANUALLY**

NOTICE OF MOTION AND MOTION

Pursuant to the Stipulated Protective Order governing confidentiality of documents entered by the Court on May 10, 2010 (ECF No. 55, “Protective Order”), Rules 5.2(e)–(f) and 26(c) of the Federal Rules of Civil Procedure, and Local Rule 10-5(b), Defendant Rimini Street, Inc. (“Rimini”) respectfully requests that the Court seal the video presentation titled “BengeDeclarationProcess2.0.mp4” (the “Confidential Materials”) included on the DVD and USB drive filed manually by Rimini in connection with its Opposition to Oracle’s Motion for Order to Show Cause, and the accompanying Declaration of Jim Benge.

This Motion to Seal is based on this Notice of Motion and the accompanying Memorandum of Points and Authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

Rimini respectfully requests that the Court seal the Confidential Materials because they contain confidential information regarding Rimini's business processes, and this information is properly designated as "Confidential Information" or "Highly Confidential Information – Attorneys' Eyes Only" pursuant to the Protective Order. Good cause exists to seal the Confidential Materials, as set forth below.

This Court has regularly granted motions to file under seal similar information, both in *Rimini I* and *Rimini II*. See, e.g., ECF Nos. 226, 325, 518, 904, 990, 1107, 1228, 1250, 1261; see also *Rimini II*, No. 14-CV-1699-LRH-DJA (D. Nev.), ECF Nos. 127, 137, 222, 280–282, 287, 333–334, 371, 391, 434–436, 602, 625–628, 760–768, 836–849, 1122, 1191.

I. ARGUMENT

Federal Rule of Civil Procedure 26(c) provides broad discretion for a trial court to permit sealing of court documents for, *inter alia*, the protection of “a trade secret or other confidential research, development, or commercial information.” Fed. R. Civ. P. 26(c). Rimini has designated as highly confidential the Confidential Materials filed in connection with its Opposition to Oracle’s Motion for Order to Show Cause because they contain highly confidential information about Rimini’s proprietary processes.

1 **A. Highly Confidential Information About Rimini's Proprietary Processes**

2 Rimini moves to seal proprietary information regarding the ways in which Rimini
 3 provides services to its clients and runs its business operations. This information is reflected in
 4 the Confidential Materials.

5 The Confidential Materials contain a description of Rimini's proprietary technical
 6 processes, including detailed information about Rimini's proprietary technical tools and
 7 processes, a detailed description of how those tools and processes were developed, and
 8 descriptions of how Rimini provides services to its clients, as well as certain confidential details
 9 of Rimini's technical processes that Rimini designated "Highly Confidential" elsewhere.

10 Under the Protective Order, "all non-public information" regarding "business plans" or
 11 "proprietary technical information and specifications" are properly designated confidential, and
 12 "extremely sensitive . . . non-public information" including trade secrets are properly
 13 designated as highly confidential. Disclosure of this information would advantage Rimini's
 14 competitors, disclosing trade secrets that would allow Rimini's competitors to adopt methods
 15 that have made Rimini successful, and more easily allow them to compete in the third-party
 16 software service marketplace. *See Hologram USA, Inc. v. Pulse Evolution Corp.*, No. 14-CV-
 17 772, 2015 WL 105793, at *2 (D. Nev. Jan. 7, 2015) (granting motion to seal where documents
 18 "contain[ed] information that could injure Plaintiffs' competitive posture in the ... industry");
 19 *Spectrum Pharm. Inc. v. Sandoz Inc.*, No. 12-CV-111, 2014 WL 4202540, at *2 (D. Nev.
 20 Aug. 21, 2014) (granting motion to seal where documents contained "proprietary, business
 21 practice, trade secret, and technical information that could injure the parties' competitive
 22 posture"); *Clark v. Metro. Life Ins. Co.*, No. 08-CV-158, 2010 WL 1006823, at *1 (D. Nev.
 23 Mar. 16, 2010) (granting motion to seal materials that would "bring attention to MetLife's
 24 confidential internal business deliberations, organization, and capabilities").

25 This Court has previously granted motions to file under seal portions of documents
 26 containing this type of confidential information regarding Rimini's internal business processes.
 27 *See, e.g.*, ECF Nos. 226, 325, 518, 904, 990, 1107, 1228, 1250, 1261; *see also Rimini II*, No. 14-
 28 CV-1699-LRH-DJA, ECF Nos. 627, 1240. Sealing references to Rimini's proprietary

1 information will not frustrate the public's visibility into the judicial process because Rimini
2 requests the targeted sealing of particularly sensitive information and leaves all other documents
3 unsealed.

4 **II. CONCLUSION**

5 For the foregoing reasons, Rimini respectfully requests that the Court grant leave to file
6 under seal the Confidential Materials.

7
8 Dated: July 31, 2020

9 GIBSON, DUNN & CRUTCHER LLP

10
11 By: /s/ Eric D. Vandevelde
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